

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE**

CHERYL PHIPPS, BOBBI MILLNER, and SHAWN GIBBONS,)	
)	CLASS ACTION
)	
<i>Plaintiffs,</i>)	CIVIL ACTION
)	
v.)	CASE NO. 3:12-cv-1009
)	
WAL-MART STORES, INC.,)	JUDGE LAWSON
)	
<i>Defendant.</i>)	MAGISTRATE JUDGE
)	FRENSLEY

JOINT MOTION TO AMEND CASE MANAGEMENT ORDER

Pursuant to Rule 16 of the Federal Rules of Civil Procedure, the parties in the above-captioned case respectfully move this Court to amend its January 24, 2017 Case Management Order (Dkt. 120) to expand the time allotted for discovery.

Currently, class certification discovery is to be completed on or before October 2, 2017 (Dkt. 120). Plaintiffs' First Set of Requests for Production of Documents was sent to Defendant on November 22, 2016, and was deemed served as of January 24, 2017. The parties engaged in substantial meet-and-confer efforts regarding these requests but were unable to reach agreement on certain requests. On June 12, 2017, Plaintiffs filed a Motion to Compel Production of Documents with respect to requests that remained in dispute. (Dkt. 124). On July 19, 2017, Plaintiffs filed a second Motion to Compel Production of Documents, informing the Court that Defendant had not yet produced any responsive documents, including those that were not in dispute (Dkt. 134-1). Defendant responded that it expected to substantially complete its rolling production by September 15, 2017, with the exception of documents subject to the parties' ongoing meet-and-confer efforts regarding ESI search terms and the then-pending motion to

compel. (Dkt. 135). The Court granted Plaintiffs' first Motion to Compel in part on August 14, 2017 (Dkt. 136). The Court also granted Plaintiffs' second Motion to Compel, finding that "[t]o the extent defendant anticipates completion of its document production by September 15, 2017, plaintiffs' desire for an Order requiring production of responsive documents by a date certain is addressed" (Dkt. 137). Accordingly, Defendant will substantially complete its production of documents by September 15, with the exception of documents subject to the parties' meet-and-confer efforts regarding ESI search terms and the documents subject to the Court's recent order (Dkt. 136). Plaintiffs and Defendant are conferring regarding ESI custodians and search terms and hope to reach agreement in the coming weeks. Accordingly, Defendant expects to complete production of those remaining documents by October 2, 2017, the original close of discovery.

Because Plaintiffs sent Defendant their First Set of Requests for Production of Documents on November 22, 2016, and the Requests were deemed served on January 24, 2017, Plaintiffs believed that Defendant would complete its rolling production by around March 2017 to allow the parties sufficient time to review the documents, identify deponents, conduct depositions and file class certification briefs and expert reports within the deadlines set by the Court. However, now that the Court has ordered Defendant to complete its document production by September 15, 2017 (six months after Plaintiffs expected document production to be completed), the parties have no realistic way of meeting the Court's deadlines. The parties believe a five month extension of the discovery deadline and class certification briefing schedule is appropriate.

Accordingly, the parties propose an amended pretrial schedule with the following deadlines:

Class certification discovery deadline: March 5, 2018

Plaintiffs' class certification motion and expert report deadline: May 18, 2018

Defendant's class certification opposition deadline: July 13, 2018

Plaintiffs' class certification reply deadline: August 17, 2018

Dated: August 28, 2017

Respectfully Submitted,

/s/Christine E. Webber

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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing *[Proposed] Case Management Order* has been served on August 28, 2017 the following via the Court's ECF filing system:

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